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REMARKS

Claims 1-5 are pending in this application. All of the claims were rejected. Claims 1 and 5 are currently amended. Reconsideration and further examination are respectfully requested.

The presently claimed invention distinguishes the cited references because a **bid message from a STA including an indication of distance** is used by the AP to select a winning bid. Karaoguz discusses range messages, but not a bid message with an indication of distance. Indeed, Karaoguz teaches against bid messages by stating "the wireless device can determine whether or not to further establish communication with the access point." Para. 0036 If the AP is unable to reject an association request from a STA then that association request is not a bid message. Claim 1 therefore distinguishes Karaoguz by reciting "logic for collecting bid messages from stations, each bid message being a request from one station to associate with the access point and including a parameter related to the distance between the access point and that one station; logic for selecting one of the bid messages based at least in-part on the parameter related to distance." Claim 5 recites similar distinguishing language. Withdrawal of the rejections of claims 1 and 5 is therefore requested.

At page 3 of the OA the Office appears to argue, based on In re Japikse, that it makes no difference whether the STA bids/AP accepts or AP indicates range/STA determines whether to associate with the AP. However, the difference between these techniques is not trivial. One of the advantages of enabling the AP to selectively accept bid requests from STAs is that the AP can perform access control and load balancing by refusing association requests from STAs. If a fully loaded AP is unable to prevent new STAs from becoming associated, as taught by Karaoguz, then the AP may become overloaded. Further, an advantage of enabling the AP to selectively accept bid requests from STAs for which distance is known is that STAs may be selected based on

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distance, potential throughput, or relative need of service. This is possible because the decision is made from the perspective of the AP. In the technique taught by Karaoguz decisions are made from the perspective of the STAs, which may not have information about the distance between the AP and other STAs, load on the AP, or even the existence of those other STAs.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

  
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